

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

SANDFORD SEAY, §  
*Plaintiff,* §  
§  
V. § CAUSE NO. 22-2452  
§  
TRAVELOKO, INC. d/b/a TRAVELOKO §  
and ARNOLD R. LAMOTTE, JR., §  
*Defendants.* §

---

---

**DEFENDANT TRAVELOKO, INC. d/b/a TRAVELOKO'S NOTICE OF REMOVAL**

---

---

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Traveloko, Inc. d/b/a Traveloko, Defendant herein, and files this Notice of Removal, removing this case to federal court under 28 U.S.C. §§ 1332, 1441 and 1446, and in support there of, would show as follows:

**A. Introduction**

1. This lawsuit arises out of an alleged motor vehicle accident. The accident is alleged to have occurred in Dallas County, Texas.
2. Plaintiff is a citizen of the State of Texas.
3. Plaintiff has named trucking company, Traveloko, Inc. d/b/a Traveloko as Defendant, which is not a Texas citizen. Traveloko, Inc. is a California Corporation with its principal place of business in Calhoun, Georgia. Plaintiff's pleadings allege that Arnold R. Lamotte, Jr. is a citizen of the state of Texas. To Traveloko, Inc.'s knowledge, Arnold Lamotte, Jr. has not been properly joined and served with this lawsuit and is not properly before the Court at the time of the filing of this Notice of Removal.

4. Plaintiff's pleadings state that he seeks relief of \$250,000.00 or less in this case. (Plaintiff's Original Petition, p. 1, §I.)

5. Thus, there is diversity of citizenship among of the parties that have been properly joined and served and Defendant Traveloko, Inc. d/b/a Traveloko removes this case to federal court under 28 U.S.C. §§ 1332, 1441 and 1446.

**B. Basis for Removal**

6. Removal is proper under 28 U.S.C. §§ 1332, 1441 and 1446 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000 and this removal is filed within 30 days after the service on Defendant.

7. There is complete diversity of citizenship as follows:

(a) Plaintiff is a Texas citizen. *See Freeman v. Northwest Acceptance Corp.*, 754 F.2d 553, 555-56 (5th Cir. 1985).

(b) Defendant Traveloko, Inc. d/b/a Traveloko is corporation organized and exiting under the laws of the State of California, with its principal place of business in Calhoun, Georgia. Thus, it is a citizen of Georgia and diverse from Plaintiff. *See* 28 U.S.C. § 1332(a).

(c) To Traveloko, Inc.'s knowledge, Arnold Lamotte, Jr. has not been properly joined and served with this lawsuit and is not properly before the Court at the time of the filing of this Notice of Removal.

8. Plaintiff's pleadings state that he seeks relief in an amount of \$250,000 or less. (Plaintiff's Original Petition, p.1, §I.) *See S.W.S. Erectors Inc. v. Infax Inc.*, 72 F.3d 489, 492 (5th Cir. 1996) (removing defendant can rely on plaintiff's statement of amount in controversy); *see also* 28 U.S.C. § 1446(c).

9. Defendant Traveloko, Inc. d/b/a Traveloko's notice of removal is timely, as it is filed within 30 days of it being served with a pleading stating a removable case. *Alim v. KBR, Inc.*, No. 13-11094, 2014 U.S. App. LEXIS 10508, at \*4 (5th Cir. 2014) (unpub.) (30-day deadline for removal runs from the defendant's receipt of a pleading setting forth a removable claim).

10. Copies of all pleadings, process, orders, and other filings in the state-court suit will be submitted once received to support this notice as required by 28 U.S.C. §1446(a).

11. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending, Dallas County Court at Law No. 3, is located in this district.

12. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

**C. Jury Demand**

13. Plaintiff has not demanded a jury trial.

**D. Conclusion**

14. There is complete diversity of citizenship and the amount in controversy exceeds \$75,000. Thus, there is diversity jurisdiction over this matter and removal is proper as set forth herein.

NAMAN, HOWELL, SMITH & LEE, PLLC

400 Austin Avenue, 8<sup>th</sup> Floor  
Waco, Texas 76701  
254.755.4100 / Facsimile 254.754.6331

BY: /s/ Jordan A. Mayfield  
JORDAN A. MAYFIELD  
State Bar No. 24037051  
[mayfield@namanhowell.com](mailto:mayfield@namanhowell.com)  
JACQUELINE P. ALTMAN  
State Bar No. 24087010  
[jaltman@namanhowell.com](mailto:jaltman@namanhowell.com)

ATTORNEYS FOR DEFENDANT  
TRAVELOKO, INC. D/B/A TRAVELOKO

**CERTIFICATE OF SERVICE**

I certify that on this the 2<sup>nd</sup> day of November, 2022, a true and correct copy of the foregoing has been served upon all counsel of record in this action, in accordance with the Federal Rules of Civil Procedure by ECF Filing.

/s/Jordan A. Mayfield  
Jordan A. Mayfield